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*Attorneys for Diane and Roger Peskin and
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Case No. _____

SIPA LIQUIDATION

(Substantively Consolidated)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Helen Davis Chaitman, dated December 23, 2009, the accompanying Memorandum of Law, and on all the proceedings heretofore had herein, Diane Peskin, Roger Peskin and Maureen Ebel, and a large group of other customers of Bernard L. Madoff Investment Securities LLC as listed on Exh. A to the Chaitman Declaration, by their undersigned counsel, hereby move the Court at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be determined by the Court, for an Order pursuant to Federal Rules of Bankruptcy Procedure 8001(b) and 8003: (1) granting them leave to appeal the December 17, 2009 order of the United States Bankruptcy

Court for the Southern District of New York Approving Applications of Trustee and Baker & Hostetler LLP (I) for Allowance of Compensation for Services Rendered and Reimbursement of Expenses and (II) to Amend the Order Pursuant to Section 78eee(b)(5) of SIPA, Sections 105, 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016(a) and Local Bankruptcy Rule 2016-1 Establishing Procedures Governing Interim Monthly Compensation of Trustee and Baker & Hostetler LLP (the "Order") to the extent that the Order granted the second applications for interim compensation of Irving H. Picard, Trustee, and his counsel, Baker & Hostetler LLP, and (2) granting such other and further relief in the movants' favor as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Federal Rule of Bankruptcy Procedure 8003(a), answering papers are to be served within ten days after service of this motion.

December 23, 2009

PHILLIPS NIZER LLP

By: /s/ Helen Davis Chaitman
666 Fifth Avenue
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*Counsel for Diane and Roger Peskin and
Maureen Ebel, and a large group of other
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